

## SUBCHAPTER B—STANDARDS OF CONDUCT

### PART 457—GENERAL

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AUTHORITY: 5 U.S.C. 7120, 7134; 22 U.S.C. 4117; 2 U.S.C. 1351(a)(1); Secretary's Order No. 5-96, 62 FR 107, January 2, 1997.

SOURCE: 50 FR 31311, Aug. 1, 1985, unless otherwise noted.

#### Subpart A—Purpose and Scope

##### § 457.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement 5 U.S.C. 7120 and 22 U.S.C. 4117, which relate to the standards of conduct for labor organizations in the Federal sector set forth in title VII of the Civil Service Reform Act of 1978 and chapter 10 of the Foreign Service Act of 1980. They prescribe procedures and basic principles which the Assistant Secretary of Labor will utilize in effectuating the standards of conduct required of labor organizations composed of Federal government employees that are covered by these Acts. (Regulations implementing the other provisions of title VII of the Civil Service Reform Act are issued by the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel in title 5 of the Code of Federal Regulations. Regulations implementing the other provisions of chapter 10 of the Foreign Service Act

are issued by the Foreign Service Labor Relations Board, the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Foreign Service Impasse Disputes Panel in title 22 of the Code of Federal Regulations.)<sup>1</sup>

[50 FR 31311, Aug. 1, 1985, as amended at 62 FR 6093, Feb. 10, 1997]

#### Subpart B—Meaning of Terms as Used in This Chapter

##### § 457.10 CSRA; FSA; CAA; LMRDA.

CSRA means the Civil Service Reform Act of 1978; FSA means the Foreign Service Act of 1980; CAA means the Congressional Accountability Act of 1995; LMRDA means the Labor-Management Reporting and Disclosure Act of 1959, as amended.

[62 FR 6093, Feb. 10, 1997]

##### § 457.11 Agency, employee, labor organization, dues, Department, activity, employing office.

*Agency, employee, labor organization, and dues*, when used in connection with the CSRA, have the meanings set forth in 5 U.S.C. 7103. *Employee, labor organization*, and *dues*, when used in connection with the FSA, have the meanings set forth in 22 U.S.C. 4102; *Department*, when used in connection with the FSA, means the Department of State, except that with reference to the exercise of functions under the FSA with respect to another agency authorized to utilize the Foreign Service personnel system, such term means that other agency. *Covered employee, employee, employing office*, and *agency*, when used in connection with the CAA, have the meanings

<sup>1</sup>Pursuant to section 220(a)(1) of the Congressional Accountability Act of 1995, 2 U.S.C. 1351(a)(1), labor organizations covered by that statute are subject to the standards of conduct provisions of the Civil Service Reform Act, 5 U.S.C. 7120, and are therefore subject to the regulations in this subchapter. Regulations implementing the Congressional Accountability Act were issued at 142 Cong. R. S12062 (daily ed., October 1, 1996) and 142 Cong. R. H10369 (Daily ed., September 12, 1996).

set forth in 2 U.S.C. 1301 and 1351(a)(2). *Activity* means any facility, organizational entity, or geographical subdivision or combination thereof of any agency or employing office.

[62 FR 6093, Feb. 10, 1997]

#### **§ 457.12 Authority; Board.**

*Authority* means the Federal Labor Relations Authority as described in the CSRA, 5 U.S.C. 7104 and 7105. *Board*, when used in connection with the FSA, means the Foreign Service Labor Relations Board as described in the FSA, 22 U.S.C. 4106(a). "Board," when used in connection with the CAA, means the Board of Directors of the Office of Compliance as described in 2 U.S.C. 1301 and 1381(b).

[62 FR 6093, Feb. 10, 1997]

#### **§ 457.13 Assistant Secretary.**

*Assistant Secretary* means the Assistant Secretary of Labor for Employment Standards, head of the Employment Standards Administration.<sup>2</sup>

[62 FR 6093, Feb. 10, 1997]

#### **§ 457.14 Standards of conduct for labor organizations.**

*Standards of conduct for labor organizations* shall have the meaning as set forth in the CSRA, 5 U.S.C. 7120, and the FSA, 22 U.S.C. 4117, and as amplified in part 458 of this subchapter. The standards of conduct provisions of the CSRA and the regulations in this subchapter are applicable to labor organizations covered by the CAA pursuant to 2 U.S.C. 1351(a)(1).

[62 FR 6093, Feb 10, 1997]

#### **§ 457.15 District Director.**

*District Director* means the Director of a district office within the Office of Labor-Management Standards, Employment Standards Administration.

[63 FR 33780, June 19, 1998]

<sup>2</sup>Pursuant to Secretary of Labor's Order No. 5-96 (62 FR 107, January 2, 1997), the Assistant Secretary for Employment Standards has the responsibility and authority for implementing the standards of conduct provisions of the CSRA and the FSA.

#### **§ 457.16 Chief, DOE.**

*Chief, DOE* means the Chief of the Division of Enforcement within the Office of Labor-Management Standards, Employment Standards Administration.

[63 FR 33780, June 19, 1998]

#### **§ 457.17 Administrative Law Judge.**

*Administrative Law Judge* means the Chief Administrative Law Judge or any Administrative Law Judge designated by the Chief Administrative Law Judge to conduct a hearing in cases under 5 U.S.C. 7120 or 22 U.S.C. 4117 as implemented by part 458 of this subchapter and such other matters as may be assigned.

#### **§ 457.18 Chief Administrative Law Judge.**

*Chief Administrative Law Judge* means the Chief Administrative Law Judge, U.S. Department of Labor, Washington, DC 20210.

#### **§ 457.19 Party.**

*Party* means any person, employee, group of employees, labor organization, Department, activity or agency: (a) Filing a complaint, petition, request, or application; (b) named in a complaint, petition, request, or application; or (c) whose intervention in a proceeding has been permitted or directed by the Assistant Secretary, Chief Administrative Law Judge, or Administrative Law Judge, as the case may be.

#### **§ 457.20 Intervenor.**

*Intervenor* means a party in a proceeding whose intervention has been permitted or directed by the Assistant Secretary, Chief Administrative Law Judge, or Administrative Law Judge, as the case may be.

## **PART 458—STANDARDS OF CONDUCT**

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